**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.20856 of 2006

**ORDER:**

This writ petition is filed seeking Mandamus declaring the Sale Notice dated 29.9.2006, published in the local newspaper on 30.9.2006 proposing to sell the immovable property bearing H.No.8-22-6/2, Plot No.22/A & 22/B, Flat No.102 situated at North Kamalanagar, Kapra, ECIL, Ranga Reddy district admeasuring 795 sft. fixing the auction on 5.10.2006 issued by the Assistant Registrar/Sale Officer, Krushi Cooperative Urban Bank Ltd., (under liquidation) as arbitrary and illegal.

It appears, the petitioner stood as guarantor and mortgaged his immovable property as security in favour of Krushi Cooperative Urban Bank Ltd., (under liquidation) for the loans availed by M/s B.T.S. Enterprises. Since M/s B.T.S. Enterprises did not pay the instalments, the Bank initiated recovery proceedings against M/s B.T.S. Enterprises and obtained Certificate under Section 71 of the A.P. Cooperative Societies Act, 1964 dated 22.12.2003. Thereafter, the petitioner seems to have been issued with some notices of demand since the principal debtor failed to discharge the debt. It appears, the petitioner in fact came forward with One Time Settlement proposal, however, in view of impugned auction notice issued by the respondents, the present writ petition is filed.

There is no necessity of going into all the details.

The petitioner is entitled to file a claim petition before the third respondent under Rule 52(21)(a) of A.P. Cooperative Societies Rules, 1964. The learned counsel for petitioner submits that he had already sent the claim petition to third respondent through telegram on 4.10.2006 and the same is pending.

In view of the above, I am of the opinion that apart from the

telegram sent by the petitioner, the petitioner is also entitled to file a claim petition under Rule 52(21)(a) of the A.P. Cooperative Societies Rules before the third respondent. On receiving such claim petition, the third respondent is directed to dispose of the same within a period of four weeks from the date of receipt of such claim petition after issuing notice to the petitioner and hearing her/her counsel, if necessary. Till such time, the impugned auction notice dated 29.9.2006 shall not be given effect to.

With the above directions, the writ petition is disposed of. No order as to costs.

_____

C.V.RAMULU, J

Date: 9.10.2006

DA

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.20856 of 2006

9.10.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20856 of 2006

Date: 9th October, 2006

Between:

Smt.K.Vijaya Laxmi

.. Petitioner

And

The Deputy Registrar of Cooperative
Societies, DLCO, Secunderabad Division,
Hyderabad & 2 others.

.. Respondents